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*Attorneys for Defendants
Vulcan LLC and Vulcan Sports
& Entertainment LLC*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

BYRON BROWN,

Plaintiff,

v.

LANDMARK EVENT STAFFING
SERVICES, INC., a Delaware corporation;
VULCAN LLC, a Washington limited
liability company; VULCAN SPORTS &
ENTERTAINMENT LLC, a Washington
limited liability company; and JOHN DOE,
an individual,

Defendants.

Case No.: 3:23-cv-01408

NOTICE OF REMOVAL

(Multnomah County Circuit Court Case
No. 23CV33587)

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE THAT defendants Vulcan LLC, and Vulcan Sports &
Entertainment LLC (hereinafter referred to as the “Vulcan Defendants”), by and through their
undersigned attorneys, hereby provide notice of their removal of this case, pursuant to 28 U.S.C.
§ 1441, from the Circuit Court of the State of Oregon for the County of Multnomah to this Court
and respectfully state as their grounds for said removal:

1. Plaintiff commenced the current action in the Circuit Court of the State of Oregon for the County of Multnomah, entitled *Byron Brown v. Landmark Event Staffing Services, Inc.*, Case No. 23CV33587 (the “State Action”). Said action is now pending in that Court.

2. On August 29, 2023, Plaintiff effected service in the State Action. A copy of the Summons and Complaint is attached as Exhibits to the contemporaneously filed Declaration of Nathan R. Morales (“Morales Decl.”).

3. The State Action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332 and is one the Vulcan Defendants may remove to this Court under 28 U.S.C. § 1441. The Complaint seeks relief through a civil action where the matter in controversy exceeds \$75,000 and is between citizens of different States. 28 U.S.C. 1332(a).

4. Specifically, the Complaint asserts claims for discrimination and negligence, seeking damages “not to exceed a maximum combined amount of \$750,000 for all claims.” Complaint at ¶¶ 11, 15.

5. Plaintiff is a citizen of Oregon, upon information and belief.

6. Each defendant is a citizen of a state other than Oregon. The Vulcan Defendants are citizens of Washington because they are limited liability companies, and all their respective members are citizens of Washington. *See 3123 SMB LLC v. Horn*, 880 F.3d 461, 465 (9th Cir. 2018) (“For purposes of diversity jurisdiction, a limited liability company is a citizen of every state of which its owners/members are citizens.”) (cleaned up). Washington is also their state of organization and principal place of business. Morales Decl. at ¶ 6.

7. Additionally, the third defendant in the case, Landmark Event Staffing Services, Inc., is a citizen of Delaware, as that is its state of incorporation, and of Colorado, as that is its principal place of business. *See* 28 U.S.C. § 1332(c)(1) (“[A] corporation shall be deemed to be

a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business[.]”); Morales Decl. at ¶ 7.

8. Therefore, the State Action is between citizens of different states.

9. This Notice of Removal is filed within the time provided by 28 U.S.C. § 1446(b) and the Federal Rules of Civil Procedure.

10. The Vulcan Defendants have not yet answered or otherwise replied to the Complaint filed in this action, nor has its time to respond expired.

11. Upon filing of this Notice of Removal, the Vulcan Defendants shall give written notice thereof to Gregory Kafoury, attorney for plaintiff, and shall file copies of said Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Multnomah.

12. By filing this notice, the Vulcan Defendants do not waive, and expressly reserve, any defenses which may be available to it.

WHEREFORE, the Vulcan Defendants remove the above-captioned action now pending against it in the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court for the District of Oregon, where it shall proceed as an action originally commenced there.

DATED: September 27, 2023.

STOEL RIVES LLP

/s/ Nathan R. Morales

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*Attorneys for Defendants Vulcan LLC and
Vulcan Sports & Entertainment LLC*

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2023, I served the foregoing **NOTICE OF REMOVAL** on the following named person(s):

Gregory Kafoury
Kafoury & McDougal
411 SW 2nd Avenue, #200
Portland, OR 97204
Email: kafoury@kafourymcdougal.com

Attorneys for Plaintiff

on the date indicated below by:

<input checked="" type="checkbox"/>	mailing, with prepaid postage, to said person(s) a true copy thereof, contained in a sealed envelope addressed to his or her last known address(es) indicated above.
<input checked="" type="checkbox"/>	email addressed to said person(s) at his or her last known electronic email address(es) indicated above.
<input checked="" type="checkbox"/>	notice of electronic filing using the CM/ECF system

DATED: September 27, 2023

/s/ Nathan R. Morales
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*Attorneys for Defendants
Vulcan LLC and Vulcan Sports
& Entertainment LLC*